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By *HR-m* / *WTO* 1/22/91

Downgraded To: ~~SECRET~~ ~~CONFIDENTIAL~~ American Embassy,  
LEO 11652: XGDS ① 2 ③ 4 Moscow,  
April 6, 1959.

Authorized By: H. D. Eisenhower

August 4, 1975 *1976*

Dear Livie:

Having received the reports of the Prime Minister's visit and the text of the Working Group's report, I should like to submit the following observations. If these sound like carping criticisms, you may be sure that I am aware of the complexity of these questions and the difficulties of making a soup with so many cooks.

In one of the Memoranda of Conversation I note that the Acting Secretary and you argued against British fears of a total blockade of Berlin. As I have previously reported, I personally think we are concentrating on the wrong danger, namely interference with Allied access to Berlin. While I defer to Bonn on what the realities of the situation are, it seems to me the greatest danger is of East German interference with West German access to Berlin. While I do not think they would attempt a total blockade, it seems to me quite feasible for them gradually to strangle Berlin's economy without ever giving us any good basis for intervention. The Memorandum of Conversation states that you and the Acting Secretary said a blockade would seem contrary to current Soviet posture and an act which would turn world opinion against the Soviets. The point seems to be, however, that the Soviets would not directly be involved once they have turned over to the East Germans, even though they may have made an agreement with us about Allied access. It is the East Germans who would be responsible, and if it were not a total blockade but merely a gradual interference with the import of raw materials and export of finished products, I should think it would be difficult to arouse world opinion.

*yes*

*168. 0221/4-659*

On a related point, we are apparently basing ~~our~~ <sup>our</sup> policy on the importance of maintaining our position in Berlin on the basis of our rights of occupation as a result of conquest. In this connection I note that Spaak and others think that this basis would not be supported in the U.N. and that the British think we would lose on a submission on this basis to the World Court. It would seem to me important to know what the British reasoning is. I am inclined to think that Spaak is right and the British wrong. The doubts

*No*

The Honorable  
Livingston T. Merchant,  
Assistant Secretary of State,  
Department of State.

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-2-

expressed, however, about the political and legal validity of the present basis for our position in Berlin would argue for the advantages of the British plan for a new contractual basis.

Yes

It seems to me extremely important that if we make any agreement with the Soviets about Berlin, we get a commitment from them not to make any separate peace treaty which purports to affect our rights in either West Berlin or West Germany, but I have seen no mention of this point in any of these discussions. As I understand it, we reserved Soviet rights in the Japanese Treaty and it seems to me we have an extremely strong case for insisting upon this in the case of Germany. The logic of the Soviet position is that once they have concluded such a treaty we would be in Berlin illegally. Since the Russians almost certainly do not intend to force this issue to its full logical conclusion, we would have a strong talking point. It may be that I exaggerate the importance of a separate peace treaty, but it does seem to me essential that we keep the situation fluid and I am much afraid that a separate peace treaty would start a chain of events which I believe it essential to avoid.

In view of Adenauer's reported interest in the Kreisky plan I should like once again to stress the importance in the Austrian occupation of the International Sector of Vienna and the so-called negative veto. One of the greatest weaknesses of the Kreisky plan seems to me to be that the Russians would almost certainly insist upon some arrangement which would give them control over refugees.

Yes

On contingency planning, one of the greatest weaknesses of our position is that any attempt to force land passage would almost automatically establish a blockade of Berlin.

Yes

On the German question as a whole, it seems increasingly clear after Khrushchev's Leipzig speech that the Soviets will not now seriously consider any schemes for reunification. (If you have not read Khrushchev's Leipzig speech in its entirety I strongly recommend that you do so.) In these circumstances it seems to me our tactics in putting forward proposals should be to make them look as attractive as possible to German and world opinion. The working group report is so complicated that I find difficulty in following the proposal and do not see how the man in the street could be other than completely confused. I therefore suggest that we put forward either a simplified version or perhaps an outline of points or principles omitting most of the detailed safety measures which could be brought up if there were ever a serious discussion of the plan.

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901038 = 13

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-3-

yes  
One minor point about which I am not clear in the various German proposals is whether in raising the question of human rights in East Germany, the West Germans would be willing to legalize the Communist Party in West Germany. I am not advocating that they do so, but if they are not prepared to do this their arguments about freedoms in East Germany will not have much propaganda appeal. In any event I am dubious about raising these issues, since they might give the Soviets or East Germans a right to intervene in West German affairs.

LTM  
Schumacher  
I am still troubled about our position on letting the East Germans look at our documents but not stamp them. This may be a good position before we have had negotiations, but once negotiations have been held I think we should realistically look at what the situation would be. Do we really think public opinion and particularly our Allies would support us in risking war over this issue? and if not are we prepared to go it alone on what will appear to the world as a technicality? I maintain it would be better to protect our position by a unilateral declaration and allow them to stamp the documents. We could also request the Soviets to transmit such declaration to the East Germans.

yes  
I gather, however, that our present thinking is more along the lines of accepting the East Germans as Soviet agents. While this may be the best way out, it seems to me open to many serious objections. It leaves unsettled the problem of West German access to Berlin; it involves a considerable measure of de facto recognition of the East Germans, particularly if coupled with enlarged West-East German contacts; it would apparently be unpopular in Berlin and West Germany and shake their confidence in us; and it would set, I should think, a troublesome precedent with regard to air access. If we accept the East Germans as Soviet agents for land routes, why not for air routes? and if the latter, what do we do if they refuse to clear flights involving refugees? The agency theory would have the advantage of by implication preventing the Soviets from affecting our rights by a separate peace treaty.

Most of the foregoing is negative. On the positive side there would seem to me to be two possible approaches. One I have already suggested, namely an offer to suspend the exercise of our occupation rights, but maintaining our troops by agreement with West Berlin, for a definite period of years, in return for an agreement on access and possibly a Soviet commitment not to make a separate peace treaty affecting our rights during the same period.

This would not be very attractive to the Soviets, but might be possible if we are able to unite in taking a firm stand.

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901038 - 14

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The next possibility seems to me the British idea of a new contractual agreement. This appeals to me because it could be made attractive to public opinion; it could cover the present gap in West German rights of access; it need not go much, if any, beyond our other plans so far as the de facto recognition of East Germany is concerned, since the East Germans need not be a signatory as we could insist that their commitment to respect it be secured by the Russians.

In all this business there seems to be a feeling on both sides that we should play for time. I find it difficult to see how time is going to help us, except that the West Germans will presumably get stronger militarily. Against this there is the probable disappearance from the scene of Adenauer and the argument Kosygin made to me, that the Germans are materialists and that by raising the standard of living in East Germany, which the Russians can surely do, the Soviets can consolidate their hold there and prepare a base from which they might eventually hope, for instance by exploiting an economic depression, to take over all of Germany.

I apologize for burdening you with this lengthy letter, but the present outlook seems to me a gloomy one.

All the best,

*Tommy*  
Llewellyn E. Thompson

CC/ The Honorable Amory Houghton, Paris  
The Honorable John Hay Whitney, London  
The Honorable David E. Bruce, Bonn

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901038 - 15